IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.6444 of 1998

Between:

1 S. Laxmi Kanthamma, W/o Dasaratharami reddy,
R/o Atramanamvari Kantrika, Dammayapalem Post,
Venkatachalam Mandal, Dist.Nellore.
2 S. Ramana reddy, W/o Dasaratharami reddy,
R/o Atramanamvari Kantrika, Dammayapalem Post,
Venkatachalam Mandal, Dist.Nellore.

..... PETITIONERS

AND

1 The District Collector, Nellore.
2 The Mandal Parishad Development Officer,
Venkatachelam Mandal, Dist. Nellore
3 Sri Duvvuru Dayakar Reddy, Atramanamvari Kantrika Village,
Post Dammayapalem Mandal, Venkatachelam,
Nellore District.
4 Duvvuru Subramanya Reddy, Atramanamvari Kantrika Village,
Sarpanch Venkatachelam,
Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in digging in the land of the petitioners situate in Sy.No.2/1 in an extent of Ac.4.51 Muthukuru mandal, Epuru IB Pantapalem, Nellore Dist. for laying the water pipe line as per the proceedings No.58/SRAMA/PLG.II/97 dt.15.12.97 issued by the Dist. Collector, Nellore and work order dt. -1-98 issued by the Mandal Parishad Development Officer, Venkatachelam, without following due process of law as illegal and arbitrary.

Counsel for the Petitioners: MR. A.HANUMANTHA REDDY (Not present)

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent Nos.3 and 4: None

The Court made the following:

ORDER:

The present writ petition is filed seeking to declare the action of the respondents in digging the land of the petitioners admeasuring Ac.4.51 situated in Survey No.2/1 of Epuru IB Pantapalem, Muthukuru Mandal, Nellore District, for laying the water pipe line as per the proceedings No.58/SRAMA/PLG.II/97, dated 15.12.1997 issued by the

1st respondent-District Collector and Work Order dated 1-98 issued by the 2nd respondent-Mandal Parishad Development Officer as illegal and arbitrary.

When the matter is taken up today, none appears for the petitioners. Learned Government Pleader appearing for the respondents

1 and 2, on instructions, submitted that since differences arose in laying the water pipe line in question through the land of the petitioners, one

Sri Sannareddy Balakrishna Reddy of the same village has come forward and consented to lay the underground pipe line through his house site, and the underground pipe line has already been laid through the house site of said Sannareddy Balakrishna Reddy instead of running through the land of the petitioners, and in that view of the matter the subject matter of the writ petition has become infructuous.

Recording the said submission of the learned Government Pleader, the writ petition is dismissed as having become infructuous. No costs.

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N.V. RAMANA, J.

Date: 03.03.2005

Nsr/Tvk

To

1 The District Collector, Nellore.
2 The Mandal Parishad Development Officer,
Venkatachelam Mandal, Dist. Nellore
3 Two CCs to GP for Revenue, High Court of AP, Hyderabad

(OUT)

4 Two CD copies

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